S.B.Cr.Misc. Bail App. No.5827/2006

(Sayyed Matar Shah vs. State of Rajasthan)

Date of order : December 20, 2006

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have carefully gone through the statements of the prosecutrix recorded on 20.11.2006 and 21.11.2006. In her previous statement, the prosecutrix has stated that on her own, she used to go to the house of the petitioner and sometime stay at night and live together with the petitioner as husband and wife; even petitioner's wife did not use to object for living with the petitioner.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of the petitioner at the trial, having considered the totality of facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Sayyed Matar Shah s/o Latif Shah be released on bail in FIR No.189/2006, P.S. Dhorimanna, Distt. Barmer provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-